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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Akira Ohmura

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EXAMINER

HENDERSON, ADAM

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/026,904	Applicant(s) OHMURA, AKIRA	
	Examiner ADAM L. HENDERSON	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9 April 2008 has been entered.

Response to Arguments

2. Applicant's arguments filed 9 April 2008 have been fully considered but they are not persuasive.

3. On page 6 of the response filed by the Applicant alleges that neither the Kotzin (US Patent 6,836,663) nor Ebata et al. (US Patent 6,292,098) disclose a problem that would motivate one to combine the two references. However a problem need not necessarily be disclosed, adding functionality is an equally valid reason to combine references and Ebata et al. adds a surveillance function to the invention of Kotzin.

4. Applicant further alleges that the motivation given for combination is improper due to hindsight reasoning. However, as discussed in the rejection, the motivation is expressly stated within the Ebata et al. reference. Since Ebata et al. discloses the motivation for combining it is not hindsight as Applicant alleges.

5. Applicant alleges that the previously applied Prior Art fails to teach the limitations that are currently amended to the claims regarding “wherein the mobile terminal is adapted to put a higher priority on the signal from the remote communication equipment than any other call except calls from the watching system.” Kotzin in view of Ebata et al. is viewed to meet this limitation. Specifically Kotzin discloses the mobile terminal is a cellular phone with multiple communication channels (Kotzin, column 1 lines 14-24 and column 2 line 54 – column 3 line 19). Further Ebata et al. disclose the ‘emergency transfer service’ is given priority over other communications (Ebata et al. column 10 lines 21-24). Combined this would mean the ‘emergency transfer service’ would receive priority over other communications including any other communications capable of being received by the cellular phone that do not originate within the watching system, such as regular phone calls.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-14, 16-18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin (US Patent 6,836,663) in view of Ebata et al. (US Patent 6,292,098).

3. With regard to claim 6 Kotzin discloses a watching system comprising:

a mobile terminal (wireless communications device 100, FIG. 1) capable of a first wireless communication on a public call (network interface 104, FIG. 1) and a second wireless communication on an internal call (short-range wireless interface 102, FIG. 1);

a remote communication equipment capable of transmitting data in a signal to the mobile terminal through one of the first and second wireless communications (column 3 lines 19-67, FIG. 2).

Kotzin fails to disclose a watching camera that takes pictures of a field to output image data and wherein the mobile terminal is adapted to put a higher priority on the signal from the remote communication equipment than any other call.

Ebata et al. disclose a watching camera (cameras 40, FIG. 1) that takes pictures of a field to output image data (column 9 lines 31-53) and wherein the mobile terminal is adapted to put a higher priority on the signal from the remote communication equipment than any other call except calls from the watching system (column 10 lines 21-31).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the system of Kotzin to include the camera and transfer priority of Ebata et al. in order to provide the ability to transfer high quality images in the case of an emergency to those monitoring the image data (column 10 lines 21-31, Ebata et al.).

4. With regard to claim 7 Kotzin discloses the watching system according to claim 6, further comprising a controller that makes a first try with the second wireless communication and a second try with the first wireless communication if the first try results in failure (column 3 lines 19-67).

5. With regard to claim 8 Kotzin discloses the watching system according to claim 7, wherein the controller is located in the mobile terminal (column 3 lines 24-40) [the system first checks if the data is available locally, if not it sends out a request for the data from an outside source].
6. With regard to claim 9 Kotzin discloses the watching system according to claim 7, wherein the controller is located in the remote communication equipment (column 3 lines 36-60) [the proximal device determines if the data is available over the short-range wireless, if not is retrieves the data from the network interface].
7. With regard to claim 10 Kotzin discloses the watching system according to claim 6, wherein the second wireless communication is on a wireless local area network (column 3 lines 7-10).
8. With regard to claim 11 Kotzin discloses the watching system according to claim 6, but fails to disclose wherein the mobile terminal is capable of transmitting a command to the remote communication equipment through one of the first and second wireless communications.

Ebata et al. disclose wherein the viewing terminal (operation unit 20 and display 14, FIG. 1) is capable of transmitting a command to the remote communication equipment through one of the first and second wireless communications (column 6 lines 19-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the system of Kotzin to include the remote control functions of Ebata et al. in order to provide a method to remotely control the surveillance system (column 6 lines 19-32, Ebata et al.), while the terminal of units 20 and 14 is not referenced as a mobile terminal it would not be impossible to implement the same features in a mobile terminal such as used by Kotzin.

9. All limitations of claim 12 are addressed in the rejection of claim 6. Claim 12 is therefore likewise rejected.

10. All limitations of claim 13 are addressed in the rejection of claim 7. Claim 13 is therefore likewise rejected.

11. All limitations of claim 14 are addressed in the rejection of claim 10. Claim 14 is therefore likewise rejected.

12. With regard to claim 16 Kotzin discloses the watching system according to claim 12, wherein the remote communication equipment is adapted to transmit the data of the watching camera (column 3 lines 19-67).

13. With regard to claim 17 Kotzin discloses the watching system according to claim 12, wherein the mobile terminal has a monitor device (display 110, FIG 1) which displays the signal from the remote communication equipment (column 2 lines 26-30).

14. With regard to claim 18 Ebata et al. disclose the watching system according to claim 17, wherein the signal from the remote communication equipment is the image data of the watching camera (column 10 lines 21-31).

15. All limitations of claim 20 are addressed in the rejection of claim 11. Claim 20 is therefore likewise rejected.

16. With regard to claim 21 Kotzin discloses the watching system according to claim 12, wherein the mobile terminal is a mobile phone (column 1 lines 15-16).

17. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin (US Patent 6,836,663) in view of Ebata et al. (US Patent 6,292,098) as applied to claim 12 above, and further in view of DaGraca et al. (US Patent 6,646,676).

18. Kotzin and Ebata et al. disclose the watching system according to claim 12, but fail to disclose wherein the remote communication equipment includes a detector that detects a predetermined condition on the image data to generate the signal to be transmitted to the mobile terminal.

DaGraca et al. disclose wherein the remote communication equipment includes a detector that detects a predetermined condition on the image data to generate the signal to be transmitted to the mobile terminal (security event, column 5 lines 16-23 and column 6 lines 27-46).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the system of Kotzin and Ebata et al. to include the detector taught by DaGraca et al. in order to ensure emergency personnel are contacted whenever a security event occurs (column 5 lines 16-23, DaGraca et al.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM L. HENDERSON whose telephone number is (571)272-8619. The examiner can normally be reached on Monday-Friday, 7am to 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALH
29 April 2008

*/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622*